



REMARKS

Claims 19-45 are now pending in the application. Entry of the amendment to claim 29 is requested to correct an error made when the claim was rewritten into independent form in the last Response.

Claims 19-45 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chee et al. in view of D'Antonio et al., U.S. Patent No. 6,056,716.

Reconsideration of this rejection is requested at least because none of the cited references disclose or suggest the following claim language:

from claim 19, “generating a high transient pressure in the fluid at the pressurized fluid source, the high transient pressure sufficient to pierce bodily tissue,” wherein the fluid source is coupled to the proximal region of the catheter;

from claim 29, “penetrating a surface of the tissue with the injection port “;

from claim 30, “a high pressure source in fluid communication with the infusion lumen, the high pressure source adapted to generate a high transient pressure in fluid exiting the high pressure source, the pressure of the exiting fluid being sufficient to pierce bodily tissue”;

from claim 38, “piercing tissue at the target site by forcing liquid out of the piercing end of the medical device after the medical device has penetrated the surface of the target tissue, the liquid exiting the medical device having a transient pressure sufficient to pierce tissue at the target site”;

from claim 41, “activating a vacuum force to urge the distal region of the catheter towards the target tissue”; and

from claims 44 and 45, “a pressure source in fluid communication with the lumen, the pressure source adapted to place liquid in the lumen under a high transient pressure sufficient to pierce tissue.”

The Office action rejected all of the pending claims through the combination of two references. Essentially, the Office action's argument is that the wafer at the distal end of the Chee catheter is generating a transient pressure in a liquid prior to it being ejected from the wafer to a target site and that it would have been allegedly obvious, when considering D'Antonio, to include this wafer with a catheter having a lumen capable of withstanding significant pressure.

As to claims 19, 30, 44 and 45, they generally each contain language that describes a pressure source in communication with a lumen wherein the pressure source places, injects or otherwise transfers fluid to the lumen under a pressure sufficient to pierce tissue. In each case, the fluid is pressurized to a degree capable of piercing tissue at the fluid source. Comparatively, in Chee, the fluid in the catheter only reaches pressures significant to pierce tissue in the wafer at



the most distal end of the catheter, a great distance away from the source of the fluid. Based at least on this distinction, claims 19, 30, 44, and 45 are patentably distinct from the cited references. As to the Office action's contention that Chee "inherently anticipates ... the cited claims," the undersigned submits that Chee can not because the fluid source in Chee, at best, dispenses the fluid at regular pressures, not elevated ones. Therefore, regardless of whether or not it is specifically addressed in the text of Chee, Chee can not and does not inherently disclose or teach this claimed feature.

As to the other independent claims, nos. 29, 38, and 41, the Office action provides no basis for rejecting them other than global citations to Chee and D'Antonio. The Office action doesn't specifically address the above recited claim language, which the undersigned submits is not disclosed or suggested in these references. Consequently, the undersigned requests allowance of these claims. If a Notice of Allowance is not issued, a specific explanation of the basis for each continued rejection is requested.



CONCLUSION

Reconsideration is requested for at least the reasons described above, as all of the pending claims are patentable over the cited references.

The Commissioner is authorized to charge any fees due under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayments, to deposit account no. 11-0600.

Should the Examiner have any questions, he is invited to call the undersigned at 202-220-4200.

Respectfully submitted,



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